

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

BOEHRINGER INGELHEIM  
PHARMACEUTICALS INC., BOEHRINGER  
INGELHEIM INTERNATIONAL GMBH,  
BOEHRINGER INGELHEIM CORPORATION,  
and BOEHRINGER INGELHEIM PHARMA  
GMBH & CO. KG,

*Plaintiffs,*

v.

HEC PHARM CO., LTD., HEC PHARM USA,  
MYLAN PHARMACEUTICALS INC., MYLAN  
INC., MYLAN LABORATORIES LIMITED,  
ACCORD HEALTHCARE, INC., AUROBINDO  
PHARMA LIMITED, AUROBINDO PHARMA  
USA, INC., DR. REDDY'S LABORATORIES,  
LTD., DR. REDDY'S LABORATORIES, INC.,  
ZYDUS PHARMACEUTICALS USA, INC.,  
CADILA HEALTHCARE LTD., MSN  
LABORATORIES PRIVATE LIMITED, MSN  
PHARMACEUTICALS, INC., PRINSTON  
PHARMACEUTICAL INC., INVAGEN  
PHARMACEUTICALS INC., SUN  
PHARMACEUTICAL INDUSTRIES LTD., SUN  
PHARMA GLOBAL FZE, and TEVA  
PHARMACEUTICALS USA, INC.,

*Defendants.*

Civil Action No:  
15-cv-5982 (PGS)(TJB)

**ORDER**

R E C E I V E D

OCT 15 2018

AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH  
CLERK

THIS MATTER having been opened to the Court by bench trial; and the Court having fully considered the submissions in support thereof, and any opposition thereto; and having considered the arguments of counsel; and for good cause shown;

IT IS on this 12 day of October, 2018,

**ORDERED** The '927 Patent Claims 7, 9, 15, 17, 19, 25, 26, and '859 Patent Claims 1, 14, 15, 20, and 21 of the patents-in-suit are invalid on the grounds of nonstatutory double patenting; and it is further

**ORDERED** The '927 Patent Claims 7, 9, 15, 17, 19, 25, 26, and '859 Patent Claims 1, 14, 15, 20, and 21 of the patents-in-suit are invalid due as obvious in view of the prior art under 35 U.S.C § 103; and it is further

**ORDERED** Judgment is entered in favor of Defendants on Boheringer's claims seeking declarations of infringement.

**ORDERED** The Memorandum is sealed for a period of sixty (60) days. The parties shall confer and redact the Memorandum, within that time period.

  
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PETER G. SHERIDAN, U.S.D.J.